

Approved June 18, 1999.

Effective September 1, 1999.

CHAPTER 1331

S.B. No. 1911

AN ACT

relating to the creation, administration, powers, duties, operation, and financing of certain groundwater conservation districts.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. CREATION. (a) The following groundwater conservation districts are created:

- (1) Cow Creek Groundwater Conservation District;
- (2) Brazos Valley Groundwater Conservation District;
- (3) Crossroads Groundwater Conservation District;
- (4) Hays Trinity Groundwater Conservation District;
- (5) Lone Wolf Groundwater Conservation District;
- (6) Lost Pines Groundwater Conservation District;
- (7) McMullen Groundwater Conservation District;
- (8) Middle Pecos Groundwater Conservation District;
- (9) Red Sands Groundwater Conservation District;
- (10) Refugio Groundwater Conservation District;
- (11) Southeast Trinity Groundwater Conservation District;
- (12) Texana Groundwater Conservation District; and
- (13) Tri-County Groundwater Conservation District.

(b) A district created under this section is a governmental agency and a body politic and corporate.

(c) Each district created under this section is created under and is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

SECTION 2. BOUNDARIES. (a) The boundaries of the following groundwater conservation districts are coextensive with county boundaries as follows:

- (1) the boundaries of the Cow Creek Groundwater Conservation District are coextensive with the boundaries of Kendall County;
- (2) the boundaries of the Brazos Valley Groundwater Conservation District are coextensive with the boundaries of Robertson and Brazos Counties;
- (3) the boundaries of the Crossroads Groundwater Conservation District are coextensive with the boundaries of Victoria County;
- (4) the boundaries of the Lone Wolf Groundwater Conservation District are coextensive with the boundaries of Mitchell County;
- (5) the boundaries of the Lost Pines Groundwater Conservation District are coextensive with the boundaries of Bastrop and Lee Counties, but if the voters of only one county confirm the creation of the district under Section 10 of this Act, the boundaries of the district are coextensive with the boundaries of that county;
- (6) the boundaries of the McMullen Groundwater Conservation District are coextensive with the boundaries of McMullen County;
- (7) the boundaries of the Middle Pecos Groundwater Conservation District are coextensive with the boundaries of Pecos County;

(8) the boundaries of the Refugio Groundwater Conservation District are coextensive with the boundaries of Refugio County;

(9) the boundaries of the Texana Groundwater Conservation District are coextensive with the boundaries of Jackson County; and

(10) the boundaries of the Tri-County Groundwater Conservation District are coextensive with the boundaries of Foard, Hardeman, and Wilbarger Counties.

(b) The boundaries of the Hays Trinity Groundwater Conservation District are coextensive with the boundaries of Hays County, excluding the part of the county within the boundaries of the Barton Springs-Edwards Aquifer Conservation District or the Edwards Aquifer Authority.

(c) The Red Sands Groundwater Conservation District includes all of the territory contained in the following described area:

A 19,232 acre tract more or less out of San Salvador Del Tule Grant as recorded in Volume 10, Page 58 of the Hidalgo County, Texas map records and out of the Santa Anita Grant as recorded in Volume 7, Page 38 of the Hidalgo County, Texas map records.

Commencing at the Southeast Corner of this here in described boundary tract, said point being the intersection of the centerline of U.S. Highway 281 and the centerline of Farm to Market Road number 490 (F.M. 490) (West Hargill Road) as shown in the map of San Salvador Del Tule Grant as recorded in Volume 10, Page 58 of the Hidalgo County map records. Said point is also the point of beginning.

Thence, Westerly along the center line of the F.M. 490, an approximate distance of 18,400 feet to a point on the West line of San Salvador Del Tule Grant, said point also being the intersection of the centerline of F.M. 490 and the West line of the San Salvador Del Tule Grant,

Thence, Northerly along the West line of the San Salvador Del Tule Grant and the East line of the Santa Anita Grant at an approximate distance of 21,300 feet to a point, said point being an inside corner of this herein described tract, and also being the Southeast corner of Redland Vineyards Subdivision as recorded in Volume 4, Page 51 of the Hidalgo County map records,

Thence, Westerly along the South line of the Redland Vineyards Subdivision, an approximate distance of 4,238 feet to a point, said point being an outside corner of this herein described tract, said point also being the Southwest corner of the Redland Vineyard Subdivision,

Thence, Northerly with the West line of Redland Vineyards Subdivision, at approximately 4,590.50 feet past a point, said point being the Northwest corner of Redland Vineyard Subdivision, and the Southwest corner of Delbridge Subdivision as recorded in Volume 5, Page 11, Hidalgo County map records, and continuing Northerly along the West line of Delbridge Subdivision for an approximate total distance of 6,646 feet to a point, said point being an inside corner of this herein described tract, and also being the Northwest corner of Delbridge Subdivision,

Thence, Westerly along the South line of a 196.37 acres tract, known as the A.B. De Kock Tract, an approximate distance of 3,500 feet past the Southeast corner of share 4, out of the 8,374.70 acre tract partition out of the Santa Anita Grant as recorded in Volume 7, Page 38, in the Hidalgo County map records and continuing Westerly for an approximate total distance of 6,500 feet to a point, said point being an outside corner of this herein described tract and also being the Southwest corner of share 4,

Thence, Northerly along the West line of share 4, an approximate total distance of 19,143 feet to a point, said point being the Northwest corner of this herein described tracts and, the intersection of the West line of share 4 and the centerline of Farm to Market Road number 1017, (F.M. 1017)

Thence, in a Southeasterly direction, with the Right-of-Way centerline of Farm to Market Road number 1017 (F.M. 1017) an approximate total distance of 27,800 feet to a point, said point being the Northeast corner of this herein described tract, and also being the intersection of the centerline of F.M. 1017 Right-of-Way and the center line of the U.S. Highway 281 Right-Of-Way,

Thence, in a Southerly direction, with the centerline of U.S. Highway 281 Right-Of-Way, an approximate distance of 7,500 feet past Floral Road, and at approximate 21,700 feet past Red Gate Road and at approximate 29,700 feet past Laguna Seca Road and for an approximate total distance of 39,300 feet to the point of beginning of this here in described tract, said tract contains 19,232 Acres, More or Less.

(d) The boundaries of the Southeast Trinity Groundwater Conservation District are coextensive with that part of Comal County located within the Hill Country Priority Groundwater Management Area designated by the Texas Natural Resource Conservation Commission by rule effective July 16, 1990.

SECTION 3. DEFINITION. In this Act, "district" means a groundwater conservation district created under Section 1 of this Act.

SECTION 4. FINDING OF BENEFIT. All of the land and other property included within the boundaries of a district will be benefited by the works and projects that are to be accomplished by the district under powers conferred by Section 59, Article XVI, Texas Constitution. The district is created to serve a public use and benefit.

SECTION 5. AUTHORITY OF TEMPORARY DIRECTORS. (a) Except as provided by Subsections (c) and (d) of this section or otherwise by this Act, the temporary directors of a district have the same permitting and general management powers as those granted to initial and permanent directors under Chapter 36, Water Code.

(b) The temporary directors or their designees have the authority to enter any public or private property located within the district to inspect a water well as provided by Section 49.221, Water Code.

(c) The temporary directors do not have the authority granted by the following provisions of Chapter 36, Water Code:

- (1) Sections 36.017, 36.019, 36.020, and 36.059, relating to elections;
- (2) Sections 36.105, 36.1071, 36.1072, 36.1073, and 36.108, relating to eminent domain and management plans;
- (3) Sections 36.171–36.181, relating to bonds and notes;
- (4) Sections 36.201–36.204, relating to taxes; and
- (5) Sections 36.321–36.359, relating to annexation and consolidation.

(d) The temporary directors may regulate the transfer of groundwater out of the district as provided by Section 36.122, Water Code, but may not prohibit the transfer of groundwater out of the district.

SECTION 6. MORATORIUM ON ADOPTION OF LONG-TERM MANAGEMENT PLANS. To ensure consistency of district long-term management plans with the regional planning process authorized by Senate Bill No. 1 (Chapter 1010), Acts of the 75th Legislature, Regular Session, 1997, a district may not adopt the comprehensive management plan required by Section 36.1071, Water Code, before September 1, 2001.

SECTION 7. INITIAL BOARD OF DIRECTORS. The initial directors may not be elected until after September 1, 2001.

SECTION 8. TEMPORARY DIRECTORS. (a) Except as provided by Subsections (b) and (c) of this section, the commissioners court of a county containing territory included within the district shall appoint temporary directors in accordance with the provisions of Section 36.016, Water Code, relating to the appointment of temporary directors by county commissioners courts.

(b) For districts composed of more than one county, the county commissioners court of each county with territory in the district shall appoint an equal number of temporary directors, the total number of temporary directors appointed to be determined by the county commissioners courts except that the total number of directors may not be fewer than five or more than 11.

(c) The 90-day limit for the appointment of temporary directors under Section 36.016, Water Code, does not apply to the appointment of temporary directors under this Act.

SECTION 9. ORGANIZATIONAL MEETING. (a) As soon as practicable after the temporary directors are appointed as provided by this Act, the temporary directors shall hold the organizational meeting of the district and take office at that time.

(b) The temporary directors shall hold the meeting at a location within the district to which a majority of the temporary directors agree.

SECTION 10. CONFIRMATION AND INITIAL DIRECTORS' ELECTION. (a) Not earlier than September 1, 2001, the temporary board of directors shall call and hold an election to confirm the district and to elect the initial directors.

(b) At the confirmation and initial directors' election, the temporary board of directors shall have placed on the ballot the names of the candidates for each of the positions on the board. To qualify as a candidate for a position, a person must be a resident of the district.

(c) If the district is confirmed at the election, the temporary board of directors, at the time the vote is canvassed, shall:

(1) declare the qualified person who receives the most votes for each position to be elected as the initial director for that position; and

(2) include the results of the initial directors' election in the district's election report to the Texas Natural Resource Conservation Commission.

(d) The initial directors shall draw lots to determine their terms so that:

(1) one-half or a simple majority of the directors serve four-year terms that expire on the fourth anniversary of the date the initial directors were elected; and

(2) the remaining directors serve two-year terms that expire on the second anniversary of the date the initial directors were elected.

(e) Subsection (a), Section 41.001, Election Code, applies to a confirmation and initial directors' election held as provided by this section.

(f) Except as provided by this section, a confirmation and initial directors' election must be conducted as provided by Subsections (b)–(h), Section 36.017, Water Code, and the Election Code.

(g) If the establishment of the district has not been confirmed at an election held under this section before the fourth anniversary of the effective date of this Act, the district is dissolved on that date, except that any debts incurred shall be paid and the organization of the district shall be maintained until all debts are paid.

SECTION 11. ELECTION OF PERMANENT DIRECTORS. Beginning in the second year after the year in which the district has held a confirmation election, an election shall be held in the district on the first Saturday in the month in which the initial directors were elected under Section 10 of this Act and every two years after that date to elect the appropriate number of directors to the board.

SECTION 12. ELECTIONS. Prior to September 1, 2001, the temporary directors of a district shall not hold an election for the imposition of a tax.

SECTION 13. MODIFICATION OF DISTRICT. A district created under this Act may be modified by subsequent acts of the Texas Legislature. The modification may be in response to the recommendations of an interim study or committee, including the possibility of adding additional area to the district or merging the district with other districts for the purposes of the efficient and effective management of a common groundwater resource.

SECTION 14. STATUTORY INTERPRETATION. Except as otherwise provided by this Act, if there is a conflict between this Act and Chapter 36, Water Code, this Act controls.

SECTION 15. RATIFICATION OF DISTRICT CREATION. (a) Notwithstanding the provisions of Section 10 of this Act, an election for the confirmation of the creation of a groundwater conservation district under this Act and for the selection of initial directors for such district shall not be held unless action is taken by the 77th Legislature in its Regular Session to ratify the creation of the district.

(b) Except as provided by Subsection (c) of this section, a groundwater conservation district created by this Act whose creation is not ratified by the 77th Legislature as provided by Subsection (a) of this section is dissolved effective September 1, 2001.

(c) If a groundwater conservation district is dissolved under this section, the district has no further authority, except that any debts incurred shall be paid and the organization of the district shall be maintained until all debts are paid.

SECTION 16. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS. (a) The proper and legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished by the constitution and other laws of this state, including the governor, who has submitted the notice and Act to the Texas Natural Resource Conservation Commission.

(b) The Texas Natural Resource Conservation Commission has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

(c) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

(d) The procedural requirements of this section relating to the provision of notice have been met by the provision of notice of the introduction of the proposed Acts of the 76th Legislature relating to the creation of the groundwater conservation districts now created by this Act.

SECTION 17. EFFECTIVE DATE. This Act takes effect September 1, 1999.

SECTION 18. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on May 17, 1999, by a viva-voce vote; the Senate concurred in House amendments on May 28, 1999, by a viva-voce vote; passed the House, with amendments, on May 26, 1999, by a non-record vote.

Approved June 18, 1999.

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